

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiff / Counterclaim Defendant,

v

J.T. POSEY COMPANY,

Defendant / Counterclaim Plaintiff.

Civil Action No. 05-10917 PBS

Hearing Requested

**HIPSAVER'S MOTION *IN LIMINE* TO EXCLUDE
EXPERT TESTIMONY OF KEVIN MINISSIAN**

The plaintiff, HipSaver Company, Inc. ("HipSaver"), moves *in limine* to exclude the opinions, testimony, and any evidence proffered by Kevin Minissian. The expert reports and testimony of Mr. Minissian fail to satisfy the requirements of the Federal Rules of Evidence and existing case law, which require that experts employ a reliable methodology. Mr. Minissian failed to personally conduct or adequately supervise the tests upon which his conclusions are based, and his qualifications as an expert are similarly inadequate. His conclusory opinions will fail to assist the jury in finding the facts and accordingly, should be excluded.

HipSaver submits a memorandum in support of this motion.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1

I hereby certify that on May 10 and 14, 2007, counsel for HipSaver and counsel for Posey conferred by telephone in a good faith attempt to resolve or narrow the issues presented in this motion but were unable to reach agreement.

Respectfully submitted
The HipSaver Company, Inc.
By its Attorneys,

/s/ Courtney M. Quish
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May 15, 2007

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish
Courtney M. Quish

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